IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN

WEDNESDAY, THE 17TH JANUARY 2007 / 27TH PAUSHA 1928

RP.No. 841 of 2004
IN
C.R.P.NO.178 OF 1997 (F)

AGAINST THE JUDGMENT/ORDER IN C.R.P.178/1997 DATED 03/06/2002

REVIEW PETITIONER/REVISION PETITIONER:

THOMAS JOSEPH,
PADIYARA VEETTIL, KURISUMMODU BHAGAM,
VAZHAPPALLY EAST MURI, VAZHAPPALLY EAST VILLAGE,
CHANGANASSERY.

BY ADV. SRI.K.GOPALAKRISHNA KURUP

RESPONDENT: RESPONDENT:

MATHEW JOSEPH,
THOPPIL VEETTIL, VAZHAPPALLY EAST MURI,
VAZHAPPALLY EAST VILLAGE, CHANGANASSERY.

BY ADV. SRI.M.BALAGOVINDAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 17/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B. KOSHY & M.RAMACHANDRAN, JJ.

R.P.NO.841 OF 2004 ()
IN
C.R.P.No.178 of 1997

Dated this the 17th day of January, 2007

O R D E R

KOSHY,J

The judgment under review was passed based on the decision in **Isaac Ninan v. State of Kerala (1995 (2) KLT 848).** The above case was reviewed in **Edger Ferus v. Abraham Ittycheria (2004 (1) KLT 767)** and held that the Rent Control Court has got jurisdiction to fix the fair rent. It is true that a subsequent decision by this Court is not a ground for review. But in this case the very same decision relied on ie., Isaac Ninan's case itself was reviewed. Here the basis of the judgment under review had gone. In the above circumstances, this R.P. is allowed.

Post the C.R.P. for hearing in the appropriate court.

J.B.KOSHY, JUDGE

M.RAMACHANDRAN, JUDGE

prp

J.B. KOSHY
&
M.RAMACHANDRAN, JJ.

R.P.NO.841 OF 2004 (F)
IN
C.R.P.No.178 of 1997

O R D E R

Dated:17th January, 2007